

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2840 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
- @

SHAH KARTIK HASMUKHBHAI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 2840 of 2002
MR BM MANGUKIYA for Petitioner No. 1-2
MR KC SHAH, APP for Respondent No. 1 AND 3
-

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 20/06/2002

ORAL JUDGEMENT

1. Rule. Mr.KC Shah, learned APP appears and waives
service of notice of Rule for respondent nos.1 and 3.
Respondent no.2 Patel Vinaykumar Jashvantlal is

personally present, who waives service of notice of Rule.

2. In this petition, which is filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code'), the petitioners (husband and wife) have prayed to quash the FIR lodged with the Naranpura Police Station recorded as CR I 219/2002 for the alleged offences punishable under Sections 363, 366, 380 read with Section 114 of the Indian Penal Code.

3. It is stated in the petition that both the petitioners have married against the wish of the parents of the petitioner no.2, therefore, they have lodged the complaint against the petitioners. It is also stated by them that both of them are major and now they have married, therefore, no offence as alleged in the said FIR has been committed. Date of Birth Certificate is annexed to the petition. It is, therefore, prayed to quash the FIR, for which reference has been made earlier.

4. Today, when the matter was called out both the petitioners as well as the parents of the petitioner no.2 have remained present in presence of Mr.Mangukiya, learned advocate for the petitioners as well as Mr.KC Shah, learned APP, who is instructed by Mr.BM Asari, Police Inspector of the concerned Police Station.

5. This Court has ascertained the wish of both the petitioners as well as the parents of the petitioner no.2. Both the petitioners have stated that they are major and have married and they are living a peaceful life. Parents of the petitioner also have stated that after the talk with the petitioner no.2 (their daughter), they now do not want to proceed with the same complaint and, therefore, appropriate order may be passed.

6. In view of the aforesaid state-of-affairs, when the parents of the petitioner no.2 who have lodged the complaint for kidnapping their girl against both the petitioners (i.e. petitioner no.1 as well as petitioner no.2) now they do not want to proceed with the said complaint and, therefore, appropriate order is required to be passed for quashing the said complaint. Hence, the petition deserves to be allowed.

7. For the foregoing reasons, petition succeeds and it is accordingly allowed. Resultantly, the crime registered with the Naranpura Police Station as CR I 219/2002 for the alleged offences punishable under Sections 363, 366, 380 read with Section 114 of the Indian Penal Code against the petitioners is quashed.

Rule is made absolute to the aforesaid extent.

(A.M. Kapadia, J.)

/sakka